

**TOWN OF LEESBURG**

Town Hall  
25 West Market Street

**AGENDA**

Town Council Meeting  
January 22, 2013  
7:30 p.m.  
Council Chambers

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1. CALL TO ORDER
2. INVOCATION: Council Member Hammler
3. SALUTE TO THE FLAG: Council Member Martinez
4. ROLL CALL
5. MINUTES (*Tab B*)
  - a. Work Session Minutes of January 7, 2013
  - b. Regular Session Minutes of January 8, 2013
6. ADOPTING THE MEETING AGENDA (AMENDMENTS AND DELETIONS)
7. PRESENTATIONS (*Tab C*)
  - a. Certificate of Appreciation – Debra Downs
  - b. Utility Capacity Report
8. PETITIONERS
9. APPROVAL OF THE CONSENT AGENDA (*5 min.*)
  - a. Making an Appointment to the Environmental Advisory Commission  
(*Tab 01*)

**RESOLUTION**

Making an Appointment to the Environmental Advisory Commission

- b. Making An appointment to the Board of Architectural Review (*Tab 02*)

**RESOLUTION**

Making an Appointment to the Board of Architectural Review

- c. Making an Appointment to the Standing Residential Traffic Committee  
(*Tab 03*)

**RESOLUTION**

Making an Appointment to the Standing Residential Traffic Committee

- d. Making an Appointment to the Tree Commission (Tab 04)

**RESOLUTION**

Making an Appointment to the Tree Commission

- e. Supplemental Appropriation of Reimbursement of Police Department Expenses (Tab 05)

**RESOLUTION**

Approving Amendments to the FY 2013 General Fund Budget and Making Appropriations for \$26,312.01 awarded through a Reimbursement from the City of Charlotte, North Carolina, for Law Enforcement Services Rendered during the 2012 Democratic National Convention

- f. Supplemental Appropriation of Collected Property Damage Fee (Tab 06)

**RESOLUTION**

Approving a Supplemental Appropriation of \$2,425.83 Resulting from the Collection of a Property Damage Fee

- g. Approval of the Next Town Hall Art Gallery Exhibit by Diane Helentjaris (Tab 07)

**RESOLUTION**

Town Hall Art Gallery – Approval of the Next Art Exhibit by Diane Helentjaris

10. PUBLIC HEARINGS

- a. Amending Chapter 24 of the Town Code regarding Barment Procedures (Tab 08)(15 minutes)

**ORDINANCE**

To Amend and Reordain Chapter 24 (Offenses and Miscellaneous Provisions), Article III (Offenses Against Property), Division 4 (Trespass), Section 24-113 (Entering or Remaining on Property of Another After Having Been Forbidden to do so; Designation of Police to Enforce Trespass Violations)

11. RESOLUTIONS AND MOTIONS

- a. Additions to Legislative Positions Statement (Tab 09)(30 min)

**MOTION**

I move that the following item be added to the Town's 2013 Legislative Agenda:

**Precious Metals Dealers**

The Town Council requests legislation to amend Section 54.1-4100 of the Virginia State Code to exempt retail merchants with a permanent place of business for whom purchases of precious metals account for less than 5% of the merchant's total business from regulations regarding precious metals dealers.

**MOTION**

I move that the following items be added to the Town's 2013 Legislative Positions Statement:

**Local Authority to Prohibit Firearms on Public Property**

The Town Council supports legislation that authorizes localities to adopt ordinances that prohibit firearms and ammunition on property owned or leased by the locality.

**Posting Legal Notices on Websites**

The Town Council supports legislation that would give localities the authority to post legal notices on websites as a substitute for publishing legal notices in newspapers.

**State Funding for School Resource Officers**

The Town Council supports legislation that would provide state funding for school resource officers at all public elementary, middle and high schools.

**Virginia Public Procurement Act**

The Town Council supports the position of the Virginia Association of Governmental Purchasing on legislation regarding the Virginia Public Procurement Act.

1. I move that the Town Council oppose HB 1401, which would prohibit localities from instituting a judicial sale for delinquent taxes on real property that is the sole dwelling of the taxpayer.
2. I move that the Town Council oppose HB 1430, which would limit the Town's authority to regulate land use on agriculturally-zone land within the Town.
3. I move that the Town Council oppose SB 1073 and HB 1429, which would allow courts to award attorney's fee in successful challenges to the Town's Zoning Ordinance, administrative acts or other local actions related to land use.

- b. Loudoun Water Raw Water Intake (Tab 10)(20 min)

**RESOLUTION**

Authorizing Permanent Easements and a Land Swap Request by Loudoun Water

- c. Virginia Commission for the Arts Local Government Challenge Grant (Tab 11)(15 min)

**MOTION**

I move that the Town Council approve the Public Art Commission's proposal to create a competitive process for awarding funding from the Virginia Commission for the Arts' Local Government Challenge Grant and matching Town funds.

12. ORDINANCES

- a. None.

13. UNFINISHED BUSINESS

14. NEW BUSINESS

15. COUNCIL COMMENTS

16. MAYOR'S COMMENTS

17. MANAGER'S COMMENTS

18. CLOSED SESSION

- a. Town Manager's Evaluation

19. ADJOURNMENT

Council Invitations:

*January 3* – Town Council Swearing In Ceremony, 6 p.m., Ida Lee Recreation Ctr

*January 15* – Tuscarora Creek Flood Mitigation meeting with Virginia Knolls Community Association, 7-9 p.m., Ida Lee Recreation Center Lower Level

*January 25* – EAC Green Bag Energy Forum Breakfast, 8-9:30 a.m., Mason Enterprise Center (202 Church Street, SE)

*January 30* – FOIA/COIA Training, 6 p.m., Council Chambers

*February 10* – Mountain Music Project Film, 2 p.m., Thomas Balch Library

*February 24* – They Closed our Schools – Documentary Film, 2 p.m., Thomas Balch Library

*March 3* – Orra White Hitchcock (1796-1863) – an Illustrated Life, 2 p.m., Thomas Balch Library

*March 16* – Youth Career Expo, 12-3 p.m., ProJet Hangar

ASSISTED LISTENING SYSTEM

Is available at the meeting. If you require any type of reasonable accommodation, as a result of a physical, sensory, or mental disability, to participate in this meeting, please contact the Clerk of Council at 703-771-2733. Three days notice is requested. Thank you.

## **REGULARLY SCHEDULED COUNCIL MEETINGS**

Citizens are invited to attend and participate in Town Council meetings. The petitioner's portion of the meeting and scheduled public hearings offer the public two opportunities to present their views to the Council during its meeting.

### **Petitioners**

The petitioners' portion of the Council agenda is the first item taken up by the Council following proclamations and certificates of appreciation. This part of the meeting affords individuals the opportunity to address the Council on any matter not scheduled for a public hearing. Prior to the meeting, those citizens wishing to speak should sign the Clerk's Register on the podium at the front of the Chambers. The Mayor will announce the availability of the sign-up sheet at the beginning of all regular meetings. Petitioners' presentations should be limited to five minutes.

### **Public Hearings**

Certain items of Town business can only be conducted after the Town Council conducts an advertised public hearing. Certain major issues affecting the town's government can also be scheduled for public hearing at the option of the Council. Adoption of the town budget, rezonings, special exceptions and amendments to the Town's subdivision and zoning ordinances all require a public hearing.

### **Decorum**

A person addressing the Council as a petitioner, or during a public hearing, should advance to the podium when recognized by the Mayor and state his or her name and address. Persons should also indicate whether they are representing anyone other than themselves. After the presentation or comments, the Mayor or members of Council may have questions of the petitioner. Decorum will be maintained. Statements, which are demeaning or defamatory to members of the public, the staff or the Council, are inappropriate and out of order.

## **OTHER COUNCIL MEETINGS**

### **Work Sessions/Committee of the Whole**

Council may elect to place an item on the Tuesday night meeting agenda for action. Items will only be added to the agenda if agreed to by a majority of Council present.

### **Closed Sessions**

Under certain circumstances, the Virginia Freedom of Information Act permits the Town Council to meet in a session where the public is excluded. This may be a discussion of personnel matters, legal matters, the acquisition or sale of property and other selected topics. The Council can only go into closed session from a public session and the notice must cite the specific statutory authority to go into closed session and also indicate the general topic to be discussed. Only those matters in the adopted motion to go into closed session can be discussed at that time.

## **TOWN COUNCIL AGENDA MATERIALS**

Generally, all items on the regular Council agenda have been first considered at the Council Committee of the Whole. Individual council members, however, can request full Council action on an item considered, but not reported out of committee.

Materials previously distributed to the Council on Thursday are available to citizens on request from the Clerk's Office. Citizens may also provide the Clerk of Council with an e-mail address or self-addressed, stamped envelopes and Council agendas will be provided to the citizens without further charge. For more information, call the Clerk's Office at (703) 771-2733 during normal business hours or e-mail at [clerk@leesburgva.gov](mailto:clerk@leesburgva.gov).

Meeting agenda packets are available for public inspection in the lobby of Town Hall on Thursdays prior to the scheduled meeting. Council agendas can also be viewed on the town's World Wide Web site at <http://www.leesburgva.gov>.